

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DAVID UTISS, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:08CV1201 CEJ
)	
CITIFINANCIAL MORTGAGE)	
COMPANY, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's *ex parte* motion for injunctive relief. The plaintiff appears to request that a temporary restraining order be issued to prevent a foreclosure sale. For the reasons stated below, the motion will be denied.

Plaintiff, who is *pro se*, has submitted the motion without giving notice to the adverse party. Under Fed. R. Civ. P. 65(b):

A temporary restraining order may be granted without written or oral notice to the adverse party or that party's attorney only if (1) it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the plaintiff before the adverse party or that party's attorney can be heard in opposition, and (2) the plaintiff's attorney certifies to the court in writing the efforts, if any, which have been made to give the notice and the reasons supporting the claim that notice should not be required.

Plaintiff has not submitted the requisite affidavit or verified complaint required under Rule 65(b). Nor has plaintiff certified in writing the efforts made to give notice and the reasons why notice should not be required. Therefore, the motion will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for injunctive relief [#2] is **denied**.

Dated this 29th day of August, 2008.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE